



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1896

Introduced 2/20/2009, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.5	
730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
730 ILCS 5/3-3-4	from Ch. 38, par. 1003-3-4
730 ILCS 5/3-3-5	from Ch. 38, par. 1003-3-5
730 ILCS 5/3-3-8	from Ch. 38, par. 1003-3-8

Amends the Rights of Crime Victims and Witnesses Act. Provides that the victim of the crime for which the prisoner has been sentenced shall receive reasonable written notice not less than 30 (rather than 15) days prior to the parole hearing. Provides that if a victim or concerned citizen has registered an objection to parole of an inmate, the victim or concerned citizen may receive a copy of the most recent written submissions that the inmate filed in requesting parole. Amends the Unified Code of Corrections. Changes procedures relating to parole hearings. Effective immediately.

LRB096 10791 RLC 21000 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Rights of Crime Victims and Witnesses Act is
5 amended by changing Section 4.5 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law enforcement,
9 prosecutors, judges and corrections will provide information,
10 as appropriate of the following procedures:

11 (a) At the request of the crime victim, law enforcement
12 authorities investigating the case shall provide notice of the
13 status of the investigation, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such time
16 as the alleged assailant is apprehended or the investigation is
17 closed.

18 (b) The office of the State's Attorney:

19 (1) shall provide notice of the filing of information,
20 the return of an indictment by which a prosecution for any
21 violent crime is commenced, or the filing of a petition to
22 adjudicate a minor as a delinquent for a violent crime;

23 (2) shall provide notice of the date, time, and place

1 of trial;

2 (3) or victim advocate personnel shall provide
3 information of social services and financial assistance
4 available for victims of crime, including information of
5 how to apply for these services and assistance;

6 (4) shall assist in having any stolen or other personal
7 property held by law enforcement authorities for
8 evidentiary or other purposes returned as expeditiously as
9 possible, pursuant to the procedures set out in Section
10 115-9 of the Code of Criminal Procedure of 1963;

11 (5) or victim advocate personnel shall provide
12 appropriate employer intercession services to ensure that
13 employers of victims will cooperate with the criminal
14 justice system in order to minimize an employee's loss of
15 pay and other benefits resulting from court appearances;

16 (6) shall provide information whenever possible, of a
17 secure waiting area during court proceedings that does not
18 require victims to be in close proximity to defendant or
19 juveniles accused of a violent crime, and their families
20 and friends;

21 (7) shall provide notice to the crime victim of the
22 right to have a translator present at all court proceedings
23 and, in compliance with the federal Americans with
24 Disabilities Act of 1990, the right to communications
25 access through a sign language interpreter or by other
26 means;

1 (8) in the case of the death of a person, which death
2 occurred in the same transaction or occurrence in which
3 acts occurred for which a defendant is charged with an
4 offense, shall notify the spouse, parent, child or sibling
5 of the decedent of the date of the trial of the person or
6 persons allegedly responsible for the death;

7 (9) shall inform the victim of the right to have
8 present at all court proceedings, subject to the rules of
9 evidence, an advocate or other support person of the
10 victim's choice, and the right to retain an attorney, at
11 the victim's own expense, who, upon written notice filed
12 with the clerk of the court and State's Attorney, is to
13 receive copies of all notices, motions and court orders
14 filed thereafter in the case, in the same manner as if the
15 victim were a named party in the case;

16 (10) at the sentencing hearing shall make a good faith
17 attempt to explain the minimum amount of time during which
18 the defendant may actually be physically imprisoned. The
19 Office of the State's Attorney shall further notify the
20 crime victim of the right to request from the Prisoner
21 Review Board information concerning the release of the
22 defendant under subparagraph (d) (1) of this Section;

23 (11) shall request restitution at sentencing and shall
24 consider restitution in any plea negotiation, as provided
25 by law; and

26 (12) shall, upon the court entering a verdict of not

1 guilty by reason of insanity, inform the victim of the
2 notification services available from the Department of
3 Human Services, including the statewide telephone number,
4 under subparagraph (d) (2) of this Section.

5 (c) At the written request of the crime victim, the office
6 of the State's Attorney shall:

7 (1) provide notice a reasonable time in advance of the
8 following court proceedings: preliminary hearing, any
9 hearing the effect of which may be the release of defendant
10 from custody, or to alter the conditions of bond and the
11 sentencing hearing. The crime victim shall also be notified
12 of the cancellation of the court proceeding in sufficient
13 time, wherever possible, to prevent an unnecessary
14 appearance in court;

15 (2) provide notice within a reasonable time after
16 receipt of notice from the custodian, of the release of the
17 defendant on bail or personal recognizance or the release
18 from detention of a minor who has been detained for a
19 violent crime;

20 (3) explain in nontechnical language the details of any
21 plea or verdict of a defendant, or any adjudication of a
22 juvenile as a delinquent for a violent crime;

23 (4) where practical, consult with the crime victim
24 before the Office of the State's Attorney makes an offer of
25 a plea bargain to the defendant or enters into negotiations
26 with the defendant concerning a possible plea agreement,

1 and shall consider the written victim impact statement, if
2 prepared prior to entering into a plea agreement;

3 (5) provide notice of the ultimate disposition of the
4 cases arising from an indictment or an information, or a
5 petition to have a juvenile adjudicated as a delinquent for
6 a violent crime;

7 (6) provide notice of any appeal taken by the defendant
8 and information on how to contact the appropriate agency
9 handling the appeal;

10 (7) provide notice of any request for post-conviction
11 review filed by the defendant under Article 122 of the Code
12 of Criminal Procedure of 1963, and of the date, time and
13 place of any hearing concerning the petition. Whenever
14 possible, notice of the hearing shall be given in advance;

15 (8) forward a copy of any statement presented under
16 Section 6 to the Prisoner Review Board to be considered by
17 the Board in making its determination under subsection (b)
18 of Section 3-3-8 of the Unified Code of Corrections.

19 (d) (1) The Prisoner Review Board shall inform a victim or
20 any other concerned citizen, upon written request, of the
21 prisoner's release on parole, mandatory supervised release,
22 electronic detention, work release, international transfer or
23 exchange, or by the custodian of the discharge of any
24 individual who was adjudicated a delinquent for a violent crime
25 from State custody and by the sheriff of the appropriate county
26 of any such person's final discharge from county custody. The

1 Prisoner Review Board, upon written request, shall provide to a
2 victim or any other concerned citizen a recent photograph of
3 any person convicted of a felony, upon his or her release from
4 custody. The Prisoner Review Board, upon written request, shall
5 inform a victim or any other concerned citizen when feasible at
6 least 7 days prior to the prisoner's release on furlough of the
7 times and dates of such furlough. Upon written request by the
8 victim or any other concerned citizen, the State's Attorney
9 shall notify the person once of the times and dates of release
10 of a prisoner sentenced to periodic imprisonment. Notification
11 shall be based on the most recent information as to victim's or
12 other concerned citizen's residence or other location
13 available to the notifying authority. For purposes of this
14 paragraph (1) of subsection (d), "concerned citizen" includes
15 relatives of the victim, friends of the victim, witnesses to
16 the crime, or any other person associated with the victim or
17 prisoner.

18 (2) When the defendant has been committed to the
19 Department of Human Services pursuant to Section 5-2-4 or
20 any other provision of the Unified Code of Corrections, the
21 victim may request to be notified by the releasing
22 authority of the defendant's furloughs, temporary release,
23 or final discharge from State custody. The Department of
24 Human Services shall establish and maintain a statewide
25 telephone number to be used by victims to make notification
26 requests under these provisions, and shall publicize this

1 telephone number on its website and to the State's Attorney
2 of each county.

3 (3) In the event of an escape from State custody, the
4 Department of Corrections or the Department of Juvenile
5 Justice immediately shall notify the Prisoner Review Board
6 of the escape and the Prisoner Review Board shall notify
7 the victim. The notification shall be based upon the most
8 recent information as to the victim's residence or other
9 location available to the Board. When no such information
10 is available, the Board shall make all reasonable efforts
11 to obtain the information and make the notification. When
12 the escapee is apprehended, the Department of Corrections
13 or the Department of Juvenile Justice immediately shall
14 notify the Prisoner Review Board and the Board shall notify
15 the victim.

16 (4) The victim of the crime for which the prisoner has
17 been sentenced shall receive reasonable written notice not
18 less than 30 ~~15~~ days prior to the parole hearing and may
19 submit, in writing, on film, videotape or other electronic
20 means or in the form of a recording or in person at the
21 parole hearing or if a victim of a violent crime, by
22 calling the toll-free number established in subsection (f)
23 of this Section, information for consideration by the
24 Prisoner Review Board. The victim shall be notified within
25 7 days after the prisoner has been granted parole and shall
26 be informed of the right to inspect the registry of parole

1 decisions, established under subsection (g) of Section
2 3-3-5 of the Unified Code of Corrections. The provisions of
3 this paragraph (4) are subject to the Open Parole Hearings
4 Act. When the victim, concerned citizens, or the State's
5 Attorney has opposed parole for an inmate sentenced before
6 February 1, 1978, the additional provisions in paragraphs
7 (5.1) through (5.4) apply.

8 (5) If a statement is presented under Section 6, the
9 Prisoner Review Board shall inform the victim of any order
10 of discharge entered by the Board pursuant to Section 3-3-8
11 of the Unified Code of Corrections.

12 (5.1) If a victim or concerned citizen has registered
13 an objection to parole of an inmate sentenced before
14 February 1, 1978, the victim or concerned citizen may
15 receive a copy of the most recent written submissions that
16 the inmate filed in requesting parole. The Prisoner Review
17 Board may satisfy this requirement by tendering these
18 documents to the State's Attorney's Office when the State's
19 Attorney's Office has submitted objections with the victim
20 or a concerned citizen or by mailing the written
21 submissions to the victims or concerned citizens who have
22 registered. Reasonable opportunity must be given to the
23 victims, concerned citizens, and the State's Attorney to
24 submit a written statement noting any errors or material
25 omissions in the inmate's submission before the final vote
26 by the Board is conducted.

1 (5.2) If the Prisoner Review Board makes a preliminary
2 determination that parole may be allowed to an inmate
3 sentenced before February 1, 1978, the victims, concerned
4 citizens, and the State's Attorney shall be notified and
5 advised within 3 days thereafter of their right to address
6 the full Prisoner Review Board with any opposition to
7 parole at a hearing which shall be held no sooner than 28
8 days after the preliminary determination. The notice shall
9 include the date, time, and location of the hearing at
10 which they may voice their opposition to parole. These
11 objections to parole may be made in person, in writing, on
12 film, videotape, or other electronic means or in the form
13 of a recording.

14 (5.3) At this hearing, the victims, concerned
15 citizens, and the State's Attorney may also suggest and
16 request certain conditions of parole. A written request may
17 also be made through the State's Attorney's Office or
18 directly to the Prisoner Review Board.

19 (5.4) Subsequent to this hearing, if the Board grants
20 the inmate parole, all registered victims, concerned
21 citizens, and the State's Attorney shall be notified. The
22 actual release of the inmate shall not take place until
23 these notifications are made. A copy of the parole order
24 including all conditions and terms of parole shall be
25 served upon all victims, concerned citizens, and the
26 State's Attorney within 7 days of the Board's order

1 granting the inmate parole.

2 (6) At the written request of the victim of the crime
3 for which the prisoner was sentenced, the Prisoner Review
4 Board shall notify the victim of the death of the prisoner
5 if the prisoner died while on parole or mandatory
6 supervised release.

7 (7) When a defendant who has been committed to the
8 Department of Corrections, the Department of Juvenile
9 Justice, or the Department of Human Services is released or
10 discharged and subsequently committed to the Department of
11 Human Services as a sexually violent person and the victim
12 had requested to be notified by the releasing authority of
13 the defendant's discharge from State custody, the
14 releasing authority shall provide to the Department of
15 Human Services such information that would allow the
16 Department of Human Services to contact the victim.

17 (8) When a defendant has been convicted of a sex
18 offense as defined in Section 2 of the Sex Offender
19 Registration Act and has been sentenced to the Department
20 of Corrections or the Department of Juvenile Justice, the
21 Prisoner Review Board shall notify the victim of the sex
22 offense of the prisoner's eligibility for release on
23 parole, mandatory supervised release, electronic
24 detention, work release, international transfer or
25 exchange, or by the custodian of the discharge of any
26 individual who was adjudicated a delinquent for a sex

1 offense from State custody and by the sheriff of the
2 appropriate county of any such person's final discharge
3 from county custody. The notification shall be made to the
4 victim at least 30 days, whenever possible, before release
5 of the sex offender.

6 (e) The officials named in this Section may satisfy some or
7 all of their obligations to provide notices and other
8 information through participation in a statewide victim and
9 witness notification system established by the Attorney
10 General under Section 8.5 of this Act.

11 (f) To permit a victim of a violent crime to provide
12 information to the Prisoner Review Board for consideration by
13 the Board at a parole hearing of a person who committed the
14 crime against the victim in accordance with clause (d)(4) of
15 this Section or at a proceeding to determine the conditions of
16 mandatory supervised release of a person sentenced to a
17 determinate sentence or at a hearing on revocation of mandatory
18 supervised release of a person sentenced to a determinate
19 sentence, the Board shall establish a toll-free number that may
20 be accessed by the victim of a violent crime to present that
21 information to the Board.

22 (Source: P.A. 94-696, eff. 6-1-06; 95-317, eff. 8-21-07;
23 95-896, eff. 1-1-09; 95-897, eff. 1-1-09; 95-904, eff. 1-1-09;
24 revised 9-25-08.)

25 Section 10. The Unified Code of Corrections is amended by

1 changing Sections 3-3-2, 3-3-4, 3-3-5, and 3-3-8 as follows:

2 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

3 Sec. 3-3-2. Powers and Duties.

4 (a) The Parole and Pardon Board is abolished and the term
5 "Parole and Pardon Board" as used in any law of Illinois, shall
6 read "Prisoner Review Board." After the effective date of this
7 amendatory Act of 1977, the Prisoner Review Board shall provide
8 by rule for the orderly transition of all files, records, and
9 documents of the Parole and Pardon Board and for such other
10 steps as may be necessary to effect an orderly transition and
11 shall:

12 (1) hear by at least one member and through a panel of
13 ~~at least~~ 3 members decide, cases of prisoners who were
14 sentenced under the law in effect prior to the effective
15 date of this amendatory Act of 1977, and who are eligible
16 for parole;

17 (2) hear by at least one member and through a panel of
18 at least 3 members decide, the conditions of parole and the
19 time of discharge from parole, impose sanctions for
20 violations of parole, and revoke parole for those sentenced
21 under the law in effect prior to this amendatory Act of
22 1977; provided that the decision to parole and the
23 conditions of parole for all prisoners who were sentenced
24 for first degree murder or who received a minimum sentence
25 of 20 years or more under the law in effect prior to

1 February 1, 1978 shall be determined by a majority vote of
2 the Prisoner Review Board after all members have heard
3 presentations in support of and, if the parole is opposed,
4 in objection to the parole request;

5 (3) hear by at least one member and through a panel of
6 at least 3 members decide, the conditions of mandatory
7 supervised release and the time of discharge from mandatory
8 supervised release, impose sanctions for violations of
9 mandatory supervised release, and revoke mandatory
10 supervised release for those sentenced under the law in
11 effect after the effective date of this amendatory Act of
12 1977;

13 (3.5) hear by at least one member and through a panel
14 of at least 3 members decide, the conditions of mandatory
15 supervised release and the time of discharge from mandatory
16 supervised release, to impose sanctions for violations of
17 mandatory supervised release and revoke mandatory
18 supervised release for those serving extended supervised
19 release terms pursuant to paragraph (4) of subsection (d)
20 of Section 5-8-1;

21 (4) hear by at least 1 member and through a panel of at
22 least 3 members, decide cases brought by the Department of
23 Corrections against a prisoner in the custody of the
24 Department for alleged violation of Department rules with
25 respect to good conduct credits pursuant to Section 3-6-3
26 of this Code in which the Department seeks to revoke good

1 conduct credits, if the amount of time at issue exceeds 30
2 days or when, during any 12 month period, the cumulative
3 amount of credit revoked exceeds 30 days except where the
4 infraction is committed or discovered within 60 days of
5 scheduled release. In such cases, the Department of
6 Corrections may revoke up to 30 days of good conduct
7 credit. The Board may subsequently approve the revocation
8 of additional good conduct credit, if the Department seeks
9 to revoke good conduct credit in excess of thirty days.
10 However, the Board shall not be empowered to review the
11 Department's decision with respect to the loss of 30 days
12 of good conduct credit for any prisoner or to increase any
13 penalty beyond the length requested by the Department;

14 (5) hear by at least one member and through a panel of
15 at least 3 members decide, the release dates for certain
16 prisoners sentenced under the law in existence prior to the
17 effective date of this amendatory Act of 1977, in
18 accordance with Section 3-3-2.1 of this Code;

19 (6) hear by at least one member and through a panel of
20 at least 3 members decide, all requests for pardon,
21 reprieve or commutation, and make confidential
22 recommendations to the Governor;

23 (7) comply with the requirements of the Open Parole
24 Hearings Act;

25 (8) hear by at least one member and, through a panel of
26 at least 3 members, decide cases brought by the Department

1 of Corrections against a prisoner in the custody of the
2 Department for court dismissal of a frivolous lawsuit
3 pursuant to Section 3-6-3(d) of this Code in which the
4 Department seeks to revoke up to 180 days of good conduct
5 credit, and if the prisoner has not accumulated 180 days of
6 good conduct credit at the time of the dismissal, then all
7 good conduct credit accumulated by the prisoner shall be
8 revoked; and

9 (9) hear by at least 3 members, and, through a panel of
10 at least 3 members, decide whether to grant certificates of
11 relief from disabilities or certificates of good conduct as
12 provided in Article 5.5 of Chapter V.

13 (a-5) The Prisoner Review Board, with the cooperation of
14 and in coordination with the Department of Corrections and the
15 Department of Central Management Services, shall implement a
16 pilot project in 3 correctional institutions providing for the
17 conduct of hearings under paragraphs (1) and (4) of subsection
18 (a) of this Section through interactive video conferences. The
19 project shall be implemented within 6 months after the
20 effective date of this amendatory Act of 1996. Within 6 months
21 after the implementation of the pilot project, the Prisoner
22 Review Board, with the cooperation of and in coordination with
23 the Department of Corrections and the Department of Central
24 Management Services, shall report to the Governor and the
25 General Assembly regarding the use, costs, effectiveness, and
26 future viability of interactive video conferences for Prisoner

1 Review Board hearings.

2 (b) Upon recommendation of the Department the Board may
3 restore good conduct credit previously revoked.

4 (c) The Board shall cooperate with the Department in
5 promoting an effective system of parole and mandatory
6 supervised release.

7 (d) The Board shall promulgate rules for the conduct of its
8 work, and the Chairman shall file a copy of such rules and any
9 amendments thereto with the Director and with the Secretary of
10 State.

11 (e) The Board shall keep records of all of its official
12 actions and shall make them accessible in accordance with law
13 and the rules of the Board.

14 (f) The Board or one who has allegedly violated the
15 conditions of his parole or mandatory supervised release may
16 require by subpoena the attendance and testimony of witnesses
17 and the production of documentary evidence relating to any
18 matter under investigation or hearing. The Chairman of the
19 Board may sign subpoenas which shall be served by any agent or
20 public official authorized by the Chairman of the Board, or by
21 any person lawfully authorized to serve a subpoena under the
22 laws of the State of Illinois. The attendance of witnesses, and
23 the production of documentary evidence, may be required from
24 any place in the State to a hearing location in the State
25 before the Chairman of the Board or his designated agent or
26 agents or any duly constituted Committee or Subcommittee of the

1 Board. Witnesses so summoned shall be paid the same fees and
2 mileage that are paid witnesses in the circuit courts of the
3 State, and witnesses whose depositions are taken and the
4 persons taking those depositions are each entitled to the same
5 fees as are paid for like services in actions in the circuit
6 courts of the State. Fees and mileage shall be vouchered for
7 payment when the witness is discharged from further attendance.

8 In case of disobedience to a subpoena, the Board may
9 petition any circuit court of the State for an order requiring
10 the attendance and testimony of witnesses or the production of
11 documentary evidence or both. A copy of such petition shall be
12 served by personal service or by registered or certified mail
13 upon the person who has failed to obey the subpoena, and such
14 person shall be advised in writing that a hearing upon the
15 petition will be requested in a court room to be designated in
16 such notice before the judge hearing motions or extraordinary
17 remedies at a specified time, on a specified date, not less
18 than 10 nor more than 15 days after the deposit of the copy of
19 the written notice and petition in the U.S. mails addressed to
20 the person at his last known address or after the personal
21 service of the copy of the notice and petition upon such
22 person. The court upon the filing of such a petition, may order
23 the person refusing to obey the subpoena to appear at an
24 investigation or hearing, or to there produce documentary
25 evidence, if so ordered, or to give evidence relative to the
26 subject matter of that investigation or hearing. Any failure to

1 obey such order of the circuit court may be punished by that
2 court as a contempt of court.

3 Each member of the Board and any hearing officer designated
4 by the Board shall have the power to administer oaths and to
5 take the testimony of persons under oath.

6 (g) Except under subsection (a) of this Section, a majority
7 of the members then appointed to the Prisoner Review Board
8 shall constitute a quorum for the transaction of all business
9 of the Board.

10 (h) The Prisoner Review Board shall annually transmit to
11 the Director a detailed report of its work for the preceding
12 calendar year. The annual report shall also be transmitted to
13 the Governor for submission to the Legislature.

14 (Source: P.A. 93-207, eff. 1-1-04; 94-165, eff. 7-11-05.)

15 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

16 Sec. 3-3-4. Preparation for Parole Hearing.

17 (a) The Prisoner Review Board shall consider the parole of
18 each eligible person committed to the Adult Division at least
19 30 days prior to the date he shall first become eligible for
20 parole, and shall consider the parole of each person committed
21 to the Department of Juvenile Justice as a delinquent at least
22 30 days prior to the expiration of the first year of
23 confinement.

24 (b) A person eligible for parole shall, in advance of his
25 parole hearing, prepare a parole plan in accordance with the

1 rules of the Prisoner Review Board. The person shall be
2 assisted in preparing his parole plan by personnel of the
3 Department of Corrections, or the Department of Juvenile
4 Justice in the case of a person committed to that Department,
5 and may, for this purpose, be released on furlough under
6 Article 11 or on authorized absence under Section 3-9-4. The
7 appropriate Department shall also provide assistance in
8 obtaining information and records helpful to the individual for
9 his parole hearing.

10 (c) The members of the Board shall have access at all
11 reasonable times to any committed person and to his master
12 record file within the Department, and the Department shall
13 furnish such reports to the Board as the Board may require
14 concerning the conduct and character of any such person.

15 (d) In making its determination of parole, the Board shall
16 consider:

17 (1) material transmitted to the Department of Juvenile
18 Justice by the clerk of the committing court under Section
19 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
20 5-750 of the Juvenile Court Act of 1987;

21 (2) the report under Section 3-8-2 or 3-10-2;

22 (3) a report by the Department and any report by the
23 chief administrative officer of the institution or
24 facility;

25 (4) a parole progress report;

26 (5) a medical and psychological report, if requested by

1 the Board;

2 (6) material in writing, or on film, video tape or
3 other electronic means in the form of a recording submitted
4 by the person whose parole is being considered; and

5 (7) material in writing, or on film, video tape or
6 other electronic means in the form of a recording or
7 testimony submitted by the State's Attorney and the victim
8 or a concerned citizen pursuant to the Rights of Crime
9 Victims and Witnesses Act.

10 (e) The prosecuting State's Attorney's office shall
11 receive reasonable written notice not less than 60 ~~15~~ days
12 prior to the parole hearing and may submit relevant information
13 by oral argument or testimony of concerned citizens, or both,
14 in writing, or on film, video tape or other electronic means or
15 in the form of a recording to the Board for its consideration.
16 The State's Attorney may waive the written notice or request
17 reasonable time to procure additional information.

18 (f) The victim and any registered concerned citizens of the
19 violent crime for which the prisoner has been sentenced shall
20 receive notice of a parole hearing as provided in paragraph (4)
21 of subsection (d) of Section 4.5 of the Rights of Crime Victims
22 and Witnesses Act.

23 (g) Any recording considered under the provisions of
24 subsection (d) (6), (d) (7) or (e) of this Section shall be in
25 the form designated by the Board. Such recording shall be both
26 visual and aural. Every voice on the recording and person

1 present shall be identified and the recording shall contain
2 either a visual or aural statement of the person submitting
3 such recording, the date of the recording and the name of the
4 person whose parole eligibility is being considered. Such
5 recordings shall be ~~, if~~ retained by the Board and shall be
6 deemed to be submitted at any subsequent parole hearing if the
7 victim or State's Attorney submits in writing a declaration
8 clearly identifying such recording as representing the present
9 position of the victim or State's Attorney regarding the issues
10 to be considered at the parole hearing.

11 (h) When an inmate who was sentenced before February 1,
12 1978 is seeking parole and has filed written submissions and
13 when the victims or the State's Attorney's Office, or both, is
14 opposing parole, a copy of the inmate's written submissions
15 shall be made available to the opposition so as to grant an
16 opportunity to review and, if desired, respond to the inmate's
17 contentions.

18 (Source: P.A. 94-696, eff. 6-1-06.)

19 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

20 Sec. 3-3-5. Hearing and Determination.

21 (a) The Prisoner Review Board shall meet as often as need
22 requires to consider the cases of persons eligible for parole.
23 Except as otherwise provided in paragraph (2) of subsection (a)
24 of Section 3-3-2 of this Act, the Prisoner Review Board may
25 meet and order its actions in panels of 3 or more members. The

1 action of a majority of the panel shall be the action of the
2 Board. In consideration of persons committed to the Department
3 of Juvenile Justice, the panel shall have at least a majority
4 of members experienced in juvenile matters.

5 (b) If the person under consideration for parole is in the
6 custody of the Department, ~~at least~~ one member of the Board
7 shall interview him, and a report of that interview shall be
8 available for the Board's consideration. However, in the
9 discretion of the Board, the interview need not be conducted if
10 a psychiatric examination determines that the person could not
11 meaningfully contribute to the Board's consideration. The
12 Board may in its discretion parole a person who is then outside
13 the jurisdiction on his record without an interview. The Board
14 need not hold a hearing or interview a person who is paroled
15 under paragraphs (d) or (e) of this Section or released on
16 Mandatory release under Section 3-3-10.

17 (b-1) If the Prisoner Review Board makes a preliminary
18 determination that parole may be allowed to an inmate sentenced
19 before February 1, 1978, the full Prisoner Review Board shall
20 listen to opposition presented by the victims, concerned
21 citizens, or State's Attorney at a subsequent hearing. If the
22 inmate is granted parole, the victims, concerned citizens, and
23 the State's Attorney shall be notified. A copy of the parole
24 order including all conditions and terms of parole shall be
25 served upon all victims, concerned citizens and the State's
26 Attorney within 7 days of the Board's order granting the inmate

1 parole.

2 (c) The Board shall not parole a person eligible for parole
3 if it determines that:

4 (1) there is a substantial risk that he will not
5 conform to reasonable conditions of parole; or

6 (2) his release at that time would deprecate the
7 seriousness of his offense or promote disrespect for the
8 law; or

9 (3) his release would have a substantially adverse
10 effect on institutional discipline.

11 (d) A person committed under the Juvenile Court Act or the
12 Juvenile Court Act of 1987 who has not been sooner released
13 shall be paroled on or before his 20th birthday to begin
14 serving a period of parole under Section 3-3-8.

15 (e) A person who has served the maximum term of
16 imprisonment imposed at the time of sentencing less time credit
17 for good behavior shall be released on parole to serve a period
18 of parole under Section 5-8-1.

19 (f) The Board shall render its decision within a reasonable
20 time after hearing and shall state the basis therefor both in
21 the records of the Board and in written notice to the person on
22 whose application it has acted. The Prisoner Review Board shall
23 also give written notice of its decision to the parties
24 opposing parole including a copy of the parole order and
25 conditions of parole. In its decision, the Board shall set the
26 person's time for parole, allowing sufficient time for notice

1 to the opposing parties of not less than 15 days, or if it
2 denies parole it shall provide for a rehearing not less
3 frequently than once every year, except that the Board may,
4 after denying parole, schedule a rehearing no later than 5 ~~3~~
5 years from the date of the parole denial, if the Board finds
6 that it is not reasonable to expect that parole would be
7 granted at a hearing prior to the scheduled rehearing date. If
8 the Board shall parole a person, and, if he is not released
9 within 90 days from the effective date of the order granting
10 parole, the matter shall be returned to the Board for review.

11 (g) The Board shall maintain a registry of decisions in
12 which parole has been granted, which shall include the name and
13 case number of the prisoner, the highest charge for which the
14 prisoner was sentenced, the length of sentence imposed, the
15 date of the sentence, the date of the parole, and the basis for
16 the decision of the Board ~~to grant parole and the vote of the~~
17 ~~Board~~ on any such decisions. The registry shall be made
18 available for public inspection and copying during business
19 hours and shall be a public record pursuant to the provisions
20 of the Freedom of Information Act.

21 (h) The Board shall promulgate rules regarding the exercise
22 of its discretion under this Section.

23 (Source: P.A. 94-696, eff. 6-1-06.)

24 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

25 Sec. 3-3-8. Length of parole and mandatory supervised

1 release; discharge.)

2 (a) The length of parole for a person sentenced under the
3 law in effect prior to the effective date of this amendatory
4 Act of 1977 and the length of mandatory supervised release for
5 those sentenced under the law in effect on and after such
6 effective date shall be as set out in Section 5-8-1 unless
7 sooner terminated under paragraph (b) of this Section. The
8 parole period of a juvenile committed to the Department under
9 the Juvenile Court Act or the Juvenile Court Act of 1987 shall
10 extend until he is 21 years of age unless sooner terminated
11 under paragraph (b) of this Section.

12 (b) The Prisoner Review Board may enter an order releasing
13 and discharging one from parole or mandatory supervised
14 release, and his commitment to the Department, when it
15 determines that he is likely to remain at liberty without
16 committing another offense, but only after giving notice to the
17 victim and the State's Attorney allowing a reasonable
18 opportunity to file objections to the proposed early release.

19 (c) The order of discharge shall become effective upon
20 entry of the order of the Board. The Board shall notify the
21 clerk of the committing court of the order. Upon receipt of
22 such copy, the clerk shall make an entry on the record judgment
23 that the sentence or commitment has been satisfied pursuant to
24 the order.

25 (d) Rights of the person discharged under this Section
26 shall be restored under Section 5-5-5. This Section is subject

1 to Section 5-750 of the Juvenile Court Act of 1987.

2 (Source: P.A. 90-590, eff. 1-1-99.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.